No. P. 1541 (1)—*Legis.* 29-25-3, *dated* 29*th September* 1926.

Under S. O. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill further to amend the Code of Criminal Procedure and the Court Fees Regulation is published for general information.

By Order,

B. NAGAPPA,
Secretary to Government,
Local and Legislative Departments.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL TO AMEND THE CODE OF CRIMINAL PROCEDURE, 1904.

We, the members of the Select Committee appointed to consider the Bill to amend the Code of Criminal Procedure, 1904, considered the several Clauses of the Bill at 5 sittings of the Committee and have the honor to submit our Report.

The provisions of the Bill, we find, are calculated to liberalise the existing law, give greater latitude to the magistrates and better facilities for the public and the accused than now, and as such have our full support subject to the few changes proposed below. We have also taken this opportunity to incorporate certain additional amendments adopted in British India after the Bill under consideration was drafted.

In connection with Clause (2) of the Bill which is intended to recognise 'mukhtiars' as a distinct class of pleaders, we desire to point out that in Mysore there is no law at present recognizing them as such and authorising them to appear in Courts and the amendment, if accepted, would necessitate the amendment of the Legal Practitioners Regulation and the rules issued thereunder, in order to provide for their enrolment and to prescribe their qualifications and the courts in which they may appear. We recommend that Clause (2) may remain and that necessary consequential action may be taken.

The changes are indicated below:—

Preamble.—For the words "His Highness the Maharaja is pleased to enact as follows", the words "it is hereby enacted as follows" may be substituted. This is the enacting formula now in use.

Clause 10.—The provisions of Chapter XXXVI of the Code of Civil Procedure 1882 have been incorporated in Order XL of the Civil Procedure Code of 1911 and hence we propose that for Sub Clause (i) of Cl. 10, the following may be substituted, *viz.*

"In Sub-Section (6) of Section 88 of the said Code for the words 'Chapter XXXVI of the Code of Civil Procedure 1882', substitute "Order XL of the Code of Civil Procedure, 1911."

Clause 40.—We propose to omit this Clause. Section 188 of the British Indian Code of Criminal Procedure, is entirely different from ours and the amendment proposed is therefore not necessary in our Code.

Clause 50.—The new Sub-Section (3) proposed to be added to Section 202 by Sub Clause (ii) of Clause 50 may be renumbered as (2a), to correspond with the numbering in the British Indian Code.

Clause 70.—Sub Clause (1) may be re-written as follows:—

"(i) in Clause (a) for '447' substitute '447 and 504', and"

Clause 77.—Considering local conditions, we propose the omission of this Clause altogether and to leave the law as at present in the matter of tender of pardon.

Clause 92.—The word 'the' occurring in line 3 of Section 388 (1) (a) may be changed into 'a'.

Clauses 92 A and 92 B.—We recommend that the amendments made in British India in Sections 390 and 391, may also be adopted in Mysore. The following two new Clauses may accordingly be added to the Bill.

92 *A.*—"In Section 390 of the said Code after the word 'shall' the words and figures 'subject to the provisions of Section 391', shall be substituted.

92 *B.*—"In Sub-Section (1) of Section 391, of the said Code for the words "is sentenced to whipping in addition to imprisonment in a case which is subject to appeal" the following shall be substituted:—

(*a*) is sentenced to whipping only and furnishes bail to the saitsfaction of the Court for his appearance at such time and place as the Court may direct, or

(*b*) is sentenced to whipping in addition to imprisonment;"

Clause 95.—In the addition proposed in Sub-Clause (1) of Clause 95, we are of opinion that the words "a certified copy of" and 'or of such record thereof as exists' may be necessary in British India, where the records may have otherwise to be sent long distances. In a State like Mysore, the records may be had in a day. There is also the time involved in copying to be taken into account. It is better, moreover, for the Government to have before them the original records than certified copies, which may not contain all the information necessary.

101 *A and* 101 *B.*—The amendments made in Sections 413 and 414 in British India may also be incorporated here. They provide for appeals against convictions in certain cases which are not appealable now. The following clauses may be added to the Bill:—

101 *A.*—"In Section 413 of the said Code, (1) the words 'or the District Magistrate or other Magistrate of the 1st Class' occurring after the words 'Court of Session' shall be omitted, (ii) after the words 'only or' occurring for the first time, the words 'in which a court of Session or District Magistrate or other Magistrate of the 1st Class passes a sentence' shall be inserted; and (iii) the words 'or of whipping only' occurring at the end, shall be omitted."

101 *B.*—"In Section 414 of the said Code, the words 'of imprisonment not exceeding 3 months only or' occurring after the word 'sentence' and the words 'or of whipping only' occurring at the end shall be ommitted."

Clause 110.—In Sub-Class (ii) of this Clause, the word 'taken' is found missing after the word 'action'. This omission may be rectified.

Caluse 124.—In Sub-Section (5) proposed to be added to Section 497, the words 'The Chief Court or' may be inserted at the beginning.

Clause 135.—(1) Insert the words 'In Chapter XLVI and' at the beginning. This is necessary, as the new sections have to be brought under Chapter XLVI and not in the earlier Chapter.

(ii) The numbering of the new sections, *viz.*, 538 A and 538 B, may be changed into 539 A and 539 B to be in conformity with the numbering in the British Indian Code.

Clause 138.—The word 'any' in sub-section (1) (b) is evidently a misprint for 'may'. This may be rectified.

Clause 139.—In this Clause after the words 'said Code' it is necessary to add the following words, *viz.*, "before the word 'payable' the words 'which is' and"; otherwise the sentence will not be correct.

Clause 142.—In Sub-Section (1A) proposed to be added to Section 562 by this Clause the word 'to' is wanting after the words 'offence or.' The necessary addition may be made.

Clause 143.—489 (1) occurring in the proposed Section 565 (1) (*a*), may be changed into 489 (*D*) which is obviously the correct Section of the Indian Penal Code to be inserted here.

Clause 145.—(1) We recommend that the several items in this Schedule may be renumbered so as to correspond with the numbering in British India.

(2) Sub-Clause (v) (2) of Clause 145 has to be omitted as the amendment to Section 337 is proposed to be omitted.

In connection with the Schedule to the Code, it is desirable to change the present practice of entering 'Ditto' in the several columns, as the same had led to mistakes during reprint of the Code. We recommend that in future reprints of the Code, instead of the use of 'Ditto' the necessary full entry may be made in each column.

The changes made in the Bill are not of material inportance and we consider therefore that there is no necessity to republish the Bill as amended.

K. CHANDY.
C. SRIKANTESWARA IYER.
G. PARAMASIVIAH.
B. NARASINGA RAO.
B. NAGAPPA.
N. S. NANJUNDAYYA.

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(3) If the true and first inventor, or any other applicant is a Government servant, he shall disclose the fact in the application and shall state the office he holds.

(4) If the true and first inventor does not wish to be a party to the application, the applicant shall produce the orginal deed of assignment or other document under which he is enabled to apply for a patent, unless the application itself is endorsed by the true and first inventor in the presence of two witnesses with a statement that the said inventor agrees that the application shall be made without his name as an applicant for a patent.

(5) If the application is made by the legal representative of a deceased inventor, the legal representative shall produce for inspection the probate of the will or the letters of administration of the estate of the inventor or a certified copy of such probate or letters, or such other evidence of his title as the Controller may require.

Specification.

11. (1) The specification shall commence with the title of the invention and the name of the applicant as in the application. It shall terminate with a clear and succinct statement of the invention claimed, distinct from the body of the specification and shall be signed by the applicant or his agent.

(2) Where the invention is capable of representation by drawings, such drawings shall be prepared in accordance with rule 13 and shall be supplied with, and refered to in detail in the specification.

(3) Irrelevent or other matter, not necessary, in the opinion of the Controller, for elucidation of the invention, shall be excluded from the title, description, claims and drawings.

Amendments how to be made.

12. (1) When the specification, or any drawing accompanying it is defective, and required amendment, one copy shall be returned to the applicant or his agent and all alterations shall be made thereon as far as possible. Additional matter may be interpolated if necessary, by rewriting such pages as are required to form a continuous document. Amendments shall not be made by slips pasted on, or as foot notes, or by writing in the margin. The amended documents shall be returned to the Controller together with the cancelled pages or drawings, if any, and with a duplicate of any pages or drawings that have been amended or added.

(2) Amendments, alterations or additions, shall be initialled by the applicant or his agent.

(3) No amendments, alterations or additions shall be made in a document returned for amendment beyond those necessary to comply with the requirements of the Controller.

(4) When specification comprises more than one invention and it is considered by the Controller or the applicant that the application should be restricted to one invention, the additional inventions may be made the subject matter of additional applications. Any such applications if made before the acceptance of the original application, shall, on the request of the applicant, bear date of the original application, and shall be proceeded with as substantive applications of that date.

Drawings with applications for patents.

Size of drawings, etc.

13. (1) Drawings shall be supplied in duplicate on sheets of 13 inch height and either 8 or 16 inches in width. A clear margin of half an inch shall be left round each sheet. The figures of the drawing shall be numbered consecutively, Fig. 1, Fig. 2, figures [illegible] upright on the sheets. Reference parts [illegible] clear and bold, not less than 1/8 of an inch [illegible] same letters shall be used for the same more [illegible] drawings. The sheets of drawings, when each [illegible] numbered consecutively, the number of sheets [illegible] in the right hand top corner. Each and letters shall be placed [illegible] height, and the [illegible] different views than one, shall [illegible] the applicant or his agent in the bot-

(2) No written description of the invention shall appear on the sheets of drawings.

(3) At least one copy of the drawings shall be suitable for reproduction and for that purpose shall be prepared on tracing cloth or on smooth white paper which is not opaque. All lines and lettering shall be executed with Indian ink of good quality. Coloured lines and washes should not be used. The lines and lettering shall be firm and even, and section lines shall not be closely drawn. The scale adopted shall be large enough to show the invention clearly.

(4) Drawings shall be delivered flat or rolled so as to be free from creases.

Opposition to Grant or Amendment, etc.

Notice of opposition.

14. Notice of opposition to the grant or to the amendment, etc., of a patent shall be given in duplicate on form 5. The duplicate notice shall be sent by the Controller to the applicant or his agent.

Filing of statements.

15. (1) Within fourteen days of giving notice of opposition the opponent may, and shall, if at any time so required by the Controller, leave at the office a full written statement in duplicate of the reasons for, and extent of, his opposition, and of the grounds upon which he relies in support of his opposition.

(2) If the written statement referred to in clause (1) is supplied, the controller shall furnish the applicant or his agent with the duplicate copy thereof, and the applicant or his agent may leave at the office a reply in writing within a time to be specified by the Controller. Such reply shall deal in full with the statement of the opponent and shall be in duplicate.

(3) If the reply referred to in clause (2) is supplied by the applicant, the Controller shall furnish the opponent or his agent with the duplicate copy thereof, and the opponent or his agent may again leave at the office a rejoinder in writing within a time to be specified by the Controller. Such rejoinder shall be confined strictly to matters in reply and shall be in duplicate. The duplicate copy shall be sent by the Controller to the applicant or his agent.

(4) The Controller may require at any time that any written statement, reply or rejoinder shall be in the form of an affidavit.

(5) The time ordinarily allowed for filling a reply or rejoinder shall be one month.

Hearing.

16. (1) On completion of these proceedings, if any or at such other time as he may see fit, the Controller shall appoint a time for the hearing of the case, and shall give the parties not less than ten days' notice of such appointment. If either party does not desire to be heard, he shall, as soon as possible, notify the Controller to that effect. If either party desires to be heard, he must leave a notice of his intention to attend the hearing on form 6 together with a fee of Rs. 10 at the office. The Controller may refuse to hear any party who has not left such notice and fee at least two clear days before the date fixed for the hearing.

(2) After hearing the party or parties desirous of being heard or if neither party desires to be heard, [illegible] hearing, the Controller shall decide the case and notify [illegible] sion to the parties.

Sealing of Patents

Sealing.

17. (1) If an applicant desires t[illegible] his application, he shall within the [illegible] Sub-section 2 of the Regulation, l[illegible] troller an application on form 7. [illegible] sealed on [illegible] section 10 [illegible] the Con- [illegible] e fee [illegible] ded [illegible] for [illegible] at the office of [illegible]

(2) Where the applicant ne[illegible] prescribed within the time allowed, [illegible] for a period not exceeding three